

hicle or vehicles of an employee, including a new appointee or a student trainee for whom travel and transportation expenses are authorized under section 5723 of this title, may be transported at Government expense to a new official station of the employee when the agency determines that such transport is advantageous and cost-effective to the Government.

(d) An employee may transport only one motor vehicle under subsection (b) of this section during a 4-year period, except when the head of the agency concerned determines that replacement of the motor vehicle during the period is necessary for reasons beyond the control of the employee and is in the interest of the Government, and authorizes in advance the transportation under subsection (b) of this section of one additional privately owned motor vehicle as a replacement. When an employee has remained in continuous service outside the continental United States during the 4-year period after the date of transportation under subsection (b) of this section of his motor vehicle, the head of the agency concerned may authorize transportation under subsection (b) of this section of a replacement for that motor vehicle.

(e) When the head of an agency authorizes transportation under subsection (b) or (c) of this section of a privately owned motor vehicle, the transportation may be by—

- (1) commercial means, if available at reasonable rates and under reasonable conditions; or
- (2) Government means on a space-available basis.

(f)(1) This section, except subsection (a), does not apply to—

- (A) the Foreign Service of the United States; or
- (B) the Central Intelligence Agency.

(2) This section, except subsection (a), does not affect section 403e(4) of title 50.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 504; Pub. L. 96-465, title II, §2314(e), Oct. 17, 1980, 94 Stat. 2168; Pub. L. 104-201, div. A, title XVII, §§1715(a), 1723(b)(1), Sept. 23, 1996, 110 Stat. 2755, 2759; Pub. L. 105-264, §6(7), Oct. 19, 1998, 112 Stat. 2356.)

#### HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(a) .....	5 U.S.C. 73c.	June 30, 1932, ch. 314, §209, 47 Stat. 405. Apr. 30, 1940, ch. 172, 54 Stat. 174. Aug. 13, 1946, ch. 957, §1131(64), 60 Stat. Stat. 1040.
(b)-(e) .....	5 U.S.C. 73b-1(f).	Sept. 6, 1960, Pub. L. 86-707, §321, 74 Stat. 797. Feb. 5, 1964, Pub. L. 88-266, 78 Stat. 8.

In subsection (a), the proviso in former section 73c is omitted as superseded by section 2634 of title 10, and by former section 73b-1(f), which is carried into subsections (b)-(e).

In subsection (b), the words “including a new appointee and a student trainee to the extent authorized by sections 5722 and 5723 of this title” are substituted for “including any new appointee, in accordance with section 73b-3 of this title” for clarity and reflect the codification of former section 73b-3 in this title. The words “at Government expense” are inserted for clarity.

The last sentence of subsection (f) of former section 73b-1 which provided that for the purposes of that subsection and subsection (e), which is carried into section 5726, Alaska shall be considered to be outside the continental limits of the United States is omitted as unnecessary in view of the definition of “continental United States” in section 5721(4).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

#### AMENDMENTS

1998—Subsec. (d). Pub. L. 105-264 substituted “continental United States” for “United States”.

1996—Subsec. (b). Pub. L. 104-201, §1723(b)(1), in introductory provisions, substituted “Under regulations prescribed under section 5738 of this title” for “Under such regulations as the President may prescribe”.

Subsec. (c). Pub. L. 104-201, §1715(a)(2), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 104-201, §1715(a)(1), redesignated subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 104-201, §1715(a)(3), inserted “or (c)” after “subsection (b)”.

Pub. L. 104-201, §1715(a)(1), redesignated subsec. (d) as (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 104-201, §1715(a)(1), redesignated subsec. (e) as (f).

1980—Subsec. (e)(2). Pub. L. 96-465 substituted “section 403e(4) of title 50” for “(A) section 1138 of title 22; or” and struck out “(B) section 403e(4) of title 50”.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-201 effective 180 days after Sept. 23, 1996, see section 1725(a) of Pub. L. 104-201, set out as a note under section 5722 of this title.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96-465, set out as an Effective Date note under section 3901 of Title 22, Foreign Relations and Intercourse.

### § 5728. Travel and transportation expenses; vacation leave

(a) Under regulations prescribed under section 5738 of this title, an agency shall pay from its appropriations the expenses of round-trip travel of an employee, and the transportation of his immediate family, but not household goods, from his post of duty outside the continental United States, Alaska, and Hawaii to the place of his actual residence at the time of appointment or transfer to the post of duty, after he has satisfactorily completed an agreed period of service outside the continental United States, Alaska, and Hawaii and is returning to his actual place of residence to take leave before serving another tour of duty at the same or another post of duty outside the continental United States, Alaska, and Hawaii under a new written agreement made before departing from the post of duty.

(b) Under regulations prescribed under section 5738 of this title, an agency shall pay from its appropriations the expenses of round-trip travel of an employee of the Government appointed by the President, by and with the advice and consent of the Senate, for a term fixed by statute, and of transportation of his immediate family, but not household goods, from his post of duty outside the continental United States, Alaska, and Hawaii to the place of his actual residence at the time of appointment to the post of duty, after he has satisfactorily completed each 2

years of service outside the continental United States, Alaska, and Hawaii and is returning to his actual place of residence to take leave before serving at least 2 more years of duty outside the continental United States, Alaska, and Hawaii.

(c)(1) Under regulations prescribed under section 5738 of this title, an agency may pay, subject to paragraph (3) of this subsection, the expenses described in paragraph (2) of this subsection in any case in which the head of the agency determines that the payment of such expenses is necessary for the purpose of recruiting or retaining an employee for service of a tour of duty at a post of duty in Alaska or Hawaii.

(2) The expenses payable under paragraph (1) of this subsection are the expenses of round-trip travel of an employee, and the transportation of his immediate family, but not household goods, from his post of duty in Alaska or Hawaii to the place of his actual residence at the time of appointment or transfer to the post of duty, incurred after he has satisfactorily completed an agreed period of service in Alaska or Hawaii and in returning to his actual place of residence to take leave before serving another tour of duty at the same or another post of duty in Alaska or Hawaii under a new written agreement made before departing from the post of duty.

(3) The payment of expenses of any employee and the transportation of his family under paragraph (1) of this subsection is limited to the expenses of travel and transportation incurred for not more than two round trips commenced within 5 years after the date the employee first commences any period of consecutive tours of duty in Alaska or Hawaii.

(d) This section does not apply to appropriations for the Foreign Service of the United States.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 505; Pub. L. 97-253, title III, §351(a), (b), Sept. 8, 1982, 96 Stat. 800; Pub. L. 104-201, div. A, title XVII, §1723(b)(1), Sept. 23, 1996, 110 Stat. 2759; Pub. L. 105-264, §6(8), Oct. 19, 1998, 112 Stat. 2356.)

#### HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(a) .....	5 U.S.C. 73b-3(a) (3d proviso).	Aug. 31, 1954, ch. 1155 (1st proviso), 68 Stat. 1008.
(b) .....	5 U.S.C. 73b-3(a) (4th proviso).	Sept. 2, 1958, Pub. L. 85-858, 72 Stat. 1274.

The first 14 words of subsections (a) and (b), and subsection (c), are added on authority of former section 73b-3(a) (less 3d-6th provisos), which is carried into section 5722.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

#### AMENDMENTS

1998—Subsec. (b). Pub. L. 105-264 substituted “an employee of the Government” for “an employee of the United States”.

1996—Subsecs. (a) to (c)(1). Pub. L. 104-201, §1723(b)(1), substituted “Under regulations prescribed under section 5738 of this title” for “Under such regulations as the President may prescribe”.

1982—Subsecs. (a), (b). Pub. L. 97-253, §351(a), inserted “, Alaska, and Hawaii” after “continental United States” wherever appearing.

Subsecs. (c), (d). Pub. L. 97-253, §351(b), added subsec. (c) and redesignated former subsec. (c) as (d).

#### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-201 effective 180 days after Sept. 23, 1996, see section 1725(a) of Pub. L. 104-201, set out as a note under section 5722 of this title.

#### EFFECTIVE DATE OF 1982 AMENDMENT

Section 351(c), (d) of Pub. L. 97-253, as amended by Pub. L. 97-346, §3(m), Oct. 15, 1982, 96 Stat. 1649, provided that:

“(c)(1) Except as provided in paragraph (2), the amendments made by subsection (a) [amending this section] shall take effect with respect to expenses incurred after the date of enactment of this Act [Sept. 8, 1982] for round-trip travel (commenced after such date) of an employee or transportation of his immediate family from his post of duty to the place of his actual residence at the time of appointment or transfer to the post of duty.

“(2) The amendments made by this section [amending this section] shall not apply to any employee who is serving a tour of duty at a post of duty in Alaska or Hawaii on the date of the enactment of this Act [Sept. 8, 1982] during—

“(A) such tour of duty, and

“(B) any other consecutive tour of duty following such tour of duty.

“(d) For the purposes of subsection (c), the term ‘employee’ shall have the same meaning as provided in section 5721(2) of title 5, United States Code.”

#### § 5729. Transportation expenses; prior return of family

(a) Under regulations prescribed under section 5738 of this title, an agency shall pay from its appropriations, not more than once before the return to the United States of an employee whose post of duty is outside the continental United States, the expenses of transporting his immediate family and of shipping his household goods and personal effects from his post of duty to his actual place of residence when—

(1) he has acquired eligibility for that transportation; or

(2) the public interest requires the return of the immediate family for compelling personal reasons of a humanitarian or compassionate nature, such as may involve physical or mental health, death of a member of the immediate family, or obligation imposed by authority or circumstances over which the individual has no control.

(b) Under regulations prescribed under section 5738 of this title, an agency shall reimburse from its appropriations an employee whose post of duty is outside the continental United States for the proper transportation expenses of returning his immediate family and his household goods and personal effects to the United States, when—

(1) their return was made at the expense of the employee before his return and for other than reasons of public interest; and

(2) he acquires eligibility for those transportation expenses.

(c) This section does not apply to appropriations for the Foreign Service of the United States.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 505; Pub. L. 104-201, div. A, title XVII, §1723(b)(1), Sept. 23, 1996, 110 Stat. 2759; Pub. L. 105-264, §6(9), Oct. 19, 1998, 112 Stat. 2356.)